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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,709	10/18/2001	Andrew C. Gilbert	01-1041	8648
63710 7590 04/21/2010 INNOVATION DIVISION CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER				
WINTER, JOHN M				
ART UNIT		PAPER NUMBER		
3685				
MAIL DATE		DELIVERY MODE		
04/21/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ANDREW C. GILBERT,  
MARIANN GILBERT,  
ANDREW STERGIOPOULOS, and  
ANGELA STERGIOPOULOS

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Appeal 2009-013992  
Application 09/982,709  
Technology Center 3600

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Mailed: April 21, 2010

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 18, 2009. A Docketing Notice was mailed and Appeal No. 2009-013992 was assigned on August 21, 2009. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

The Examiner issued an Examiner's Answer on February 24, 2009 which included New Grounds of Rejection. Appellants timely filed an Amendment dated April 24, 2009, in accordance with 37 CFR 1.111. On March 9, 2010, Appellants filed an IDS. On April 8, 2010, Appellants filed a paper entitled "Request to Redocket Pursuant TO 37 C.F.R. § 41.39 (B)(1)". This paper is being treated as a request to remand the appeal and re-open prosecution.

Accordingly, it is ORDERED that the application is remanded to the Examiner to re-open prosecution in accordance with the Appellants' Reply with Amendment, timely filed on April 24, 2009.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

mev

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